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13 Chapter 11 Trustee

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 PATRICIA ISABELLE HEWLETT,

18 Appellant,

19 v.

20 JANINA M. ELDER, Trustee,

21 Appellee.

Case No. 07-CV-05883 CRB

**NOTICE OF MOTION AND MOTION
TO DISMISS APPEAL [F.R.C.P. 12(b)(1)]**

Date: February 1, 2008

Time: 10:00 a.m.

Place: 450 Golden Gate Ave.
Courtroom 8, Floor 19
San Francisco, CA

22 TO: APPELLANT PATRICIA HEWLETT AND HER ATTORNEYS OF RECORD

23 TAKE NOTICE that on February 1, 2008 at the United States District Court, Courtroom
24 8, Floor 19 (Judge Breyer), located at 450 Golden Gate Ave., San Francisco, California, Appellee
25 Janina M. Elder, Chapter 11 Trustee, will move this Court for an order dismissing the appeal filed
26 by Appellant Patricia Hewlett on November 5, 2007, on the ground that this Court lacks subject
27 matter jurisdiction because Ms. Hewlett's notice of appeal was not filed within 10-days of the
28 September 28, 2007 order which is the subject of the appeal.

1 This motion shall be based on this Notice of Motion and Motion to Dismiss Appeal, the
2 Memorandum in Support of Motion to Dismiss Appeal, Federal Rule of Civil Procedure 12(b)(1),
3 Bankruptcy Rule 8002(a), the records submitted by the Trustee in connection with this appeal,
4 and such other argument and evidence as is offered by the Trustee in connection with this motion.

5 DATED: December 28, 2007

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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7 By: 

Jeffrey L. Fuller

Attorneys for Appellee JANINA M. ELDER,
Chapter 11 Trustee

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